IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Patent Application of: | ) | Attorney Docket No. 58764.000039 |
| Elena BABIYCHUK et al. | ) | Art Unit: 1638 |
| Application No.: 10/705,197 | ) | Examiner: Unassigned |
| Filed: November 12, 2003 | ) | |

For: METHOD AND MEANS TO MODULATE PROGRAMMED CELL DEATH IN EUKARYOTIC

## INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. §§ 1.56, 1.97, and 1.98, Applicants respectfully request consideration of the reference listed on the attached Form PTO/SB/08A. Since copies of the cited references were previously cited in prior U.S. Patent Application No. 09/118,276 (Attorney Docket No. 58764.000003), copies of the cited references are not being submitted herewith. However, copies will be forwarded at the request of the Examiner.

Applicants respectfully point out that the submission of the listed documents in this Information Disclosure Statement is not an admission that they are prior art or that they are material to patentability of any claims of the application. Also, the submission of this Information Disclosure Statement is not an indication that a search has been made.

Applicants respectfully request that the Examiner consider the references cited on the Form PTO/SB/08A and that the Examiner indicate that the references have been

considered in this application by returning a copy of the Form PTO/SB/08A with the Examiner's initials in the left column per MPEP 609.

This IDS is submitted prior to the issuance of a first Office Action on the merits; therefore, it is believed that no fees are required in connection therewith. If any fees are necessitated by the filing of this Information Disclosure Statement, please charge the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,
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Dated: March 30, 2004

DHM/sdw

PTO/SB/08A (10/01) (modified)
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**Sheet** 1 **of** 4

## U.S. PATENT DOCUMENTS

| *Examiner Initials | Cite No. | DOCUMENT NUMBER Number - Kind Code (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
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| *Examiner Initial | Cite No. | FOREIGN PATENT DOCUMENT Country Code: | Number - Kind Code (if known) | Publication Date MM-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | TRANSLATION YES | TRANSLATION NO |
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